

Appointment

From: Robinson, Valois [Robinson.Valois@epa.gov]
Sent: 8/13/2020 5:03:18 PM
To: Robinson, Valois [Robinson.Valois@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Diaz Toro, Diana [Diana.Diaz-Toro@nrc.gov]; Baer, Lorraine [Lorraine.Baer@nrc.gov]; Segarnick, Maxine [Maxine.Segarnick@nrc.gov]; Carpenter, Robert [Robert.Carpenter@nrc.gov]; John Eddins [jeddins@achp.gov]; Christopher Wilson [cwilson@achp.gov]; Kelly Yasaitis Fanizzo [kfanizzo@achp.gov]
CC: Minter, Douglas [Minter.Douglas@epa.gov]; Pessin, Andrew [Andrew.Pessin@nrc.gov]
Subject: ACHP/NRC/EPA Call - Procedures for adopting NRC PA for Dewey-Burdock
Location: Microsoft Teams Meeting
Start: 8/14/2020 7:00:00 PM
End: 8/14/2020 8:00:00 PM
Show Time As: Busy

Required Attendees: Robinson, Valois; Boydston, Michael; Diaz Toro, Diana; Baer, Lorraine; Segarnick, Maxine; Carpenter, Robert; John Eddins; Christopher Wilson; Kelly Yasaitis Fanizzo
Optional Attendees: Pessin, Andrew; Minter, Douglas

Douglas, I just realized I forgot to include you in this meeting on Friday with NRC and ACHP. Sorry about that!

I just realized that "consulting parties" under Stipulation 7 below includes Tribes. The Tribes were not signatories to the PA, but NRC sent concurrence pages to each Tribe for signature per WHEREAS, each of the 23 consulting tribes will be invited to sign the PA as a Concurring Party;

Language in PA specific to EPA adopting the PA:

WHEREAS Clauses

WHEREAS #8, under the terms of the Safe Drinking Water Act, Powertech has submitted to the Environmental Protection Agency (EPA) two Underground Injection Control (UIC) Permit Applications for ISR uranium recovery and the disposal of treated ISR process fluids at the Dewey-Burdock site; the EPA will issue draft permit decisions that meet the requirements of UIC regulations found at 40 CFR Parts 124, 144, 146 and 147; and

WHEREAS #30, the EPA has participated in discussions of this agreement; and

WHEREAS #8, under the terms of the Safe Drinking Water Act, Powertech has submitted to the Environmental Protection Agency (EPA) two Underground Injection Control (UIC) Permit Applications for ISR uranium recovery and the disposal of treated ISR process fluids at the Dewey-Burdock site; the EPA will issue draft permit decisions that meet the requirements of UIC regulations found at 40 CFR Parts 124, 144, 146 and 147; and

WHEREAS #30, the EPA has participated in discussions of this agreement; and

STIPULATIONS:

NRC (or BLM on BLM-administered land) shall ensure that the following measures are carried out within its regulatory authority:

1) Conditions for Federal Approval:

- a) The NRC will require that Powertech comply with all applicable stipulations and provisions of this PA, as a condition of the Powertech license for the Project.
- b) The BLM will ensure that a Record of Decision on an acceptable Plan of Operation will not be signed until all required signatories have executed this PA.

- c) The NRC shall not grant a license to Powertech until all required signatories have executed this PA. Upon receipt of a fully executed PA, the NRC will issue the license when all other requirements for the license have been met.
- d) If a license amendment is required due to a change in the design or operation of the Project, and if that change would involve ground disturbing activities outside the currently identified disturbance areas, NRC will reconsider the eligibility determinations (in accordance with Stipulation 3) of any archaeological sites with tribally defined features and any tribally identified sites previously found not eligible that may be affected by the new ground disturbance.

Ex. 5 Deliberative Process (DP)

Stipulation 7) Coordination with Other Federal Reviews:

Any federal agency that will provide approvals or assistance for the undertaking as presently proposed may comply with its Section 106 responsibilities for the undertaking by agreeing to the terms of this PA in writing and sending copies of such written agreement to all the signatories and consulting parties of this PA. Such agreement to the terms of this PA will not necessitate an amendment to the PA.

Ex. 5 Deliberative Process (DP)

-----Original Appointment-----

From: Robinson, Valois

Sent: Tuesday, August 11, 2020 2:21 PM

To: Robinson, Valois; Boydston, Michael; Diaz Toro, Diana; Baer, Lorraine; Segarnick, Maxine; Carpenter, Robert; John Eddins; Christopher Wilson; Kelly Yasaitis Fanizzo

Cc: Pessin, Andrew

Subject: ACHP/NRC/EPA Call - Procedures for adopting NRC PA for Dewey-Burdock

When: Friday, August 14, 2020 1:00 PM-2:00 PM (UTC-07:00) Mountain Time (US & Canada).

Where: Microsoft Teams Meeting

Thanks to all for making time for this call. If this time doesn't work, please propose a different time.

We would like to discuss:

- 1) the options available for EPA to adopt the NRC PA for Dewey-Burdock: Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
- 2) the procedure EPA should follow
- 3) EPA's role in implementation of the PA after adoption.

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